

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ROY C. MCGRATH,
Defendant.

CRIMINAL NO. DLB-21-0399

PROPOSED JOINT VOIR DIRE

The United States of America, by its undersigned attorneys, and Joseph Murtha, counsel for the Defendant Roy C. McGrath, respectfully requests that the following interrogation of prospective jurors be conducted pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. Bolded Proposed Questions 20 and 21 are requested by the Defendant and objected to by the Government.

Joseph Murtha, Esq.

Rice, Murtha & Psoras, LLC
Lutherville, MD 21093

Respectfully submitted,

Philip A. Selden
First Assistant United States Attorney

Joyce K. McDonald
Aaron S.J. Zelinsky
Assistant United States Attorneys

Sarah R. David
Special Assistant United States Attorney

Prospective Jurors,

The case for which a jury is now being selected is a criminal case against the Defendant, Roy McGrath. Mr. McGrath served as the Executive Director and Chief Executive Officer of a state-owned corporation, Maryland Environmental Services, from 2017 – 2020. Mr. McGrath is charged by Indictment with five counts of wire fraud for executing a scheme to defraud money from his employer, the Maryland Environmental Services, and two counts of embezzling and obtaining by fraud funds in excess of \$5,000 in an one-year period from Maryland Environmental Services, an organization which itself received federal benefits during the same one-year period, and falsification of a document with the intent to obstruct the investigation of a matter within the jurisdiction of the Federal Bureau of Investigation.

As I will instruct you later, an indictment is simply a formal way of charging someone with a crime and it is not evidence of guilt; indeed, criminal defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt. In this case, Mr. McGrath denies the charges set forth against him in the Indictment.

The trial of this case is estimated to take three weeks, from October 24, 2022 – November 11, 2022. The Court will not sit on Friday, October 28, or Friday, November 4, or Friday November 11, and will adjourn at 4 p.m. on Monday October 31, 2022, for Halloween.

Please stand if you have an affirmative answer to any question.

1. Do any of you know, or have you had any dealings with, the Defendant Roy C. McGrath?

2. Do you know, or have you had any dealings with, any friends, associates or members of the family of Mr. McGrath, including his wife, Laura Bruner [McGrath]?

3. Do you know, or have you had any dealings with, any of the following persons or members of their families?

(a) Counsel for the United States of America, Joyce K. McDonald, Aaron S.J. Zelinsky, Sarah R. David.

(b) Investigators in the case, FBI Special Agents Laura Steinbach and Ryan Singer, Daniel Bralove from the Office of the State Prosecutor of Maryland, and Paralegal Specialist Joanna Huber from the United States Attorney's Office?

(c) Counsel for defendant McGrath, Joseph Murtha, or members of the law firm Rice, Murtha & Psoras?

(d) The following people who may be witnesses in the case or who may be mentioned by various witnesses:

[List to be provided on the day of trial]

4. Have you served on a jury panel where any party was represented by any of the lawyers in this case?

5. Do you know Erek L. Barron, the United States Attorney, or any of the Assistant United States Attorneys, or any employees of the United States Attorney's Office?

6. Do you know Charlton Howard, the State Prosecutor of Maryland, or any of the attorneys or investigators of the State Prosecutor's Office?

7. Do you know any employees of the law firm of Rice, Murtha & Psoras, located in Lutherville, MD?

8. Do you know the Federal Public Defender, James K. Wyda, any of the federal public defenders, or any other employees of the Federal Public Defender's Office?

9. Do you know anyone who works in this courthouse in any capacity?
10. Have you, any member of your family or any of your close friends ever been employed by any law enforcement agency, local, state or federal?
10. Have you, any member of your family or any of your close friends ever been employed by the United States government?
11. Have you, any member of your family or any of your close friends ever been involved in any legal dispute with the United States government or any agency of the United States?
12. The Superseding Indictment pending against the defendant charges him with defrauding and misappropriating money from a company wholly owned by the State of Maryland, namely Maryland Environmental Services. The Maryland legislature held hearings about Maryland Environmental Services in late summer 2020. Have you read or heard anything about this case or the defendant from any source whatsoever? If so, have you formed an impression or opinion as to the merits of this case? Would that opinion prevent you from maintaining an open, impartial mind until all of the evidence is admitted, and the Court instructs you on the law?
13. Do you, any member of your family or any of your close friends have any training, expertise or experience in the environmental services or engineering industry?
14. Have you, any member of your family or any of your close friends ever worked for Maryland Environmental Services or Maryland's Department of Natural Resources?
15. Have you, any member of your family or any of your close friends ever sought or held elective public office?

16. Have you, any member of your family or any of your close friends ever made a contribution to a political campaign?

17. Do you have any strong opinions about politics or politicians? Is there anything about your opinion or opinions that would influence you in any way in this case?

18. Have you, any member of your family or any of your close friends ever sought the assistance of, or had any experience or contact with, any elected public official, including any members of the Maryland legislature or the Governor of Maryland?

19. You will hear evidence in this case about the operation of Maryland Environmental Services and also about Governor Hogan's Office. Do you have any strong opinions – either positive or negative—about the Maryland Environmental Services or about Governor Hogan?

20. Governor Larry Hogan will be called as a witness by the Government in this case. Does the fact that the Governor of the State of Maryland will be a witness for the Government affect your ability to be fair and impartial?

21. Would you give more or less weight to the testimony of Mr. Hogan merely because he is the Governor of the State of Maryland?

22. Have you or any member of your family or any of your close friends ever attended law school?

23. Do you or any member of your family have any expertise, training or experience in accounting or bookkeeping?

24. Have you ever served on a grand jury in either state or federal court? If so, did anything happen during your services as a grand juror which would influence you in any way in

this case?

25. Have you ever served as a juror at the trial of a criminal case in either state or federal court? If so, in what court did you serve as a juror, what charges were involved in the trial, and what was the result of the trial? Did anything happen during your prior jury service which would influence you in any way in deciding this case?

26. Would you tend to give greater or lesser weight to the testimony of a law enforcement officer simply because that witness is a law enforcement officer?

27. Would you tend to give greater or lesser weight to the testimony of a public official simply because that witness is a public official?

28. At the end of the next series of questions, I am going to ask that each person who has an affirmative answer to one or more of them to stand and come to the bench. Please do not rise until all of the questions have been asked.

(a) Have you, any member of your family or any of your close friends ever been the victim of a crime?

(b) Have you, any member of your family or any of your close friends ever been accused of criminal conduct or ever been the subject of a criminal investigation?

(c) Have you, any member of your family or any of your close friends ever been a witness for the prosecution or defense in a criminal case?

(d) Have you, or has any member of your family or any close friend or business associate, including your employer, to the best of your knowledge, had any contact with, or been involved in any investigation conducted by the Federal Bureau of Investigation, the United States Postal Inspection Service, the Department of Homeland Security, U.S. Customs Service, the U.S.

Secret Service, any state or local police department, or any legislative or administrative committee?

(e) Do you have any impairment of your vision or hearing that might make it difficult for you to see and hear the witnesses during the trial? Or do you have any difficulty understanding the English language? Or Are you presently taking any medication that might make you unable to give your full attention to the evidence presented?

If any of you has a "yes" answer to any or all of these questions, please stand, and you will be permitted to answer up here at the bench where other members of the panel cannot hear you.

29. Under our Constitution, there is presumption that every person charged with a criminal offense is presumed innocent unless and until proven guilty beyond a reasonable doubt. Would you have any difficulty in applying this presumption?

30. The Government has the burden of proving Mr. McGrath guilty beyond a reasonable doubt. This burden never shifts to him. He does not have to testify. He does not have to present any evidence. He can sit before you mute, saying and doing nothing at all during the entire trial, and if the government does not prove to you beyond a reasonable doubt that he is guilty, you must find him not guilty. Does any member of the jury panel take exception to this legal principle?

31. Do any members of the prospective jury panel take exception to the requirement that you may not find Mr. McGrath guilty of any of the charges against him unless you are unanimous in finding that the Government has proven that Mr. McGrath is guilty beyond a reasonable doubt?

32. Mr. McGrath is charged with separate and distinct offenses' Your obligation as a juror is to consider each charge separately. Neither the number or seriousness of the offenses charged against Mr. McGrath should have any bearing on you consideration of the evidence or your deliberations. Does any prospective juror have any difficulty accepting this principle, or would any of you have any difficulty in applying it if you were selected for this jury?

33. Is there anything about the nature of a case involving allegations of misappropriation of funds from a state agency that would make it difficult for you to be a juror in a case?

34. Jurors will be instructed that they may not research anything about the case on the internet or elsewhere, and that they must avoid any reports or information about the case or the trial in the media, on the internet or on social media. Would you have any difficulties following this instruction?

35. Do you have any religious or moral scruples which would prevent you from judging the conduct of another person?

36. Do you have any reservations concerning the administration of criminal justice in the courts that would prevent you from rendering a fair or impartial verdict in this case?

37. Do you know of any reason why you could not sit with absolute impartiality to both sides as a juror in this case?